

Thank you for your comment, Duchesne County Commissioners.

The comment tracking number that has been assigned to your comment is OST2012D50181.

Comment Date: April 30, 2012 15:56:57PM

OST2012 Draft PEIS

Comment ID: OST2012D50181

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Attachment: DPEIS OS&TS Comment Letter.docx

Comment Submitted:

See attachment

April 30, 2012

BLM Oil Shale & Tar Sands PEIS
Argonne National Laboratory
EVS Division, Building 240
9700 South Cass Avenue
Argonne, IL 60439

RE: Comments on Draft BLM Oil Shale & Tar Sands PEIS

Dear Reader:

Duchesne County, Utah, a cooperating agency in this environmental review process, has summarized its comments in Resolution #12-08, attached hereto and incorporated herein. Rural counties in Utah, Wyoming and Colorado containing these vast and important energy resources will not stand idly by while the Obama Administration continues to wage war on energy production in the West.

This so-called “fresh look” at lands available for oil shale and tar sands leasing is a colossal waste of the taxpayer’s dollars, which practice has become all too frequent during the Obama Administration. The 2008 PEIS, which Duchesne County spent significant staff hours reviewing and commenting on, as a cooperating agency, was consistent with the Energy Policy Act of 2005, the state and local land use plans in the region (such as the Uintah Basin Utah Energy Zone designation) and the multiple use mandate of FLPMA. The draft 2012 PEIS violates all of these and makes no attempt to explain why greater consistency cannot be achieved. A copy of the Uintah Basin Utah Energy Zone Resolution #12-06, approved by Duchesne County, is attached hereto and incorporated herein by reference.

This DPEIS contains a flawed purpose and need statement based on the infamous Secretarial Order 3310, which Congress de-funded as stated in the Resolution enclosed. The DPEIS, given the substantial numbers of errors and omissions therein, shows an obvious attempt to rush this PEIS to approval before the end of the Obama Administration.

The BLM preferred Alternative, Alternative 2b, is not adequately analyzed in the DPEIS. Alternative 1 is the only alternative that can be legally justified.

The DPEIS fails to deliver the promised “fresh look” as it relies on basically the same data as the 2008 PEIS and fails to incorporate new data that has become available since 2008; especially the important data associated with new oil shale and tar sands technologies being employed on non-federal lands in the region. This failure to utilize the best available data constitutes a violation of the Federal Data Quality Act.

Duchesne County, pursuant to our Cooperating Agency Memorandum of Understanding, Section V (E) hereby informs the BLM that we disagree on substantive elements of the DPEIS. These disagreements have not been resolved through the comment period to our satisfaction. We request, in accordance with the MOU, that the BLM describe the many substantial inconsistencies between its proposed action and the objectives of Duchesne County's land use plans and policies and include a summary of Duchesne County's views (as stated in this letter and in the enclosed Resolution) in the Final PEIS.

We have conducted a page-by-page review of the four-volume DPEIS and offer the following specific comments on the content of the document:

Page ES-1, Line 19 and Page 1-4, Line 7: If the BLM has decided to take a "fresh look" at the land allocations from the 2008 PEIS, why does the 2012 DPEIS fail to utilize new data that has become available since the 2008 effort? Some sample pages where BLM has failed to incorporate new data are: Pages 2-15, 3-28, 3-29, 3-34, 3-62, 3-83, 3-85, 3-246, 3-247, 3-262, 3-268 through 270, 3-272, 4-9, 4-198 through 199 and A-109 to name a few.

Page ES-5, Line 39: The lands identified as suitable for potential leasing under the 2008 PEIS are considered the most geologically prospective oil shale and tar sands areas. It makes absolutely no sense to remove 75% of these lands from potential leasing given the strides made in technology, as demonstrated on non-federal lands, since 2008.

Page ES-6, Footnote 3: It makes no sense to remove lands from consideration because they are within ACEC's that failed to warrant designation in BLM land use plans.

Page ES-9, Line 15: BLM has ignored the low water use technologies being employed by Red Leaf Resources (Oil Shale), Temple Mountain Energy (Tar Sands) and others despite requests by cooperating agencies that such new information must be incorporated in the DPEIS to debunk the water use myth promoted by radical environmental groups.

Page 1-8, Figure 1.2-1, Page 2-14, Figure 2.3-1: These figures were not updated to reflect the latest findings from the USGS 2011 Assessment of In-Place Oil Shale Resources.

Page 1-20, Line 31: Reference is made to a text box; but it is not clear that this text box appears on Page 1-2.

Page 1-21, Lines 32-41: The BLM has failed to cooperate with state and local governments to promote consistency with their land use plans. The State of Utah and many counties containing oil shale and tar sands resources have established an Energy Zone that provides for energy development as the priority land use. The BLM has made no attempt in the DPEIS to explain why its preferred alternative cannot be more consistent with such local plans.

Page 2-1, Line 18: BLM fails to recognize that oil shale has already proven to be an economically viable resource. It has most recently been proven by Enfit American Oil, which

recently hosted Uintah County, Utah officials at their operations in Estonia. Enefit operates economically on a three-foot thick seam of oil shale. Imagine how economically they could operate on a 25-foot or greater thickness of oil shale in NE Utah, if given the chance! Commercial production has also occurred in Scotland (see Page 4-200).

Page 2-1, Line 32: This description of the alternatives is poorly worded and could lead the reader to assume that the No Action Alternative does not allocate any lands for potential leasing. The alternatives could better be described as the No Action Alternative and three *reduced* land allocation alternatives.

Page 2-15, Line 17: BLM has failed to recognize the plans for commercial oil shale development by TomCo Energy, a London-based energy company that plans to seek permits on SITLA lands. It's too bad that emerging companies are not able to access federal lands for their start-ups and must confine themselves to more progressive-minded state agencies and private land owners to prove the viability of their technology.

Page 2-16, Line 33...the BLM agreed to *propose* changes to the rule rather than *purpose* changes to the rule...

Page 2-35, Line 24: This paragraph demonstrates the lack of business sense by those currently in power in Washington D.C. No company is going to invest in costly oil shale technology on federal lands when such small acreages are made available under Alternative 2(b). It looks like the investments will continue on non-federal lands until the bureaucrats in Washington D.C. are replaced.

Page 2-35, Line 37: In this paragraph, the BLM admits that the preferred alternative, Alternative 2 (b), was "not noted elsewhere in the document but will be developed further in preparation of the Final PEIS. Duchesne County requests that the DPEIS be re-written and provided to us for at least a 30-day comment period after this alternative is more fully developed. It is impossible for cooperators and the general public to adequately comment on an alternative until it is fully developed in the draft PEIS.

Page 2-48, Line 8: Two periods at the end of the sentence. Page 2-48, Line 44: Delete the word "as" after the word "acreage."

Page 2-53, Tables 2.3.3-4 and 2.3.3-5, Page 2-75, Table 2.4.3-4, Page 2-76, Table 2.4.3-5: These tables need to be re-designed to help the reader understand them. For example, in Table 2.3.3-4, the column entitled "Acres LWC and Sage Grouse" needs to be moved to the right of the "Total" acreage column and then the data subtracted from that acreage to arrive at the acreage available for oil shale development after 75% of the lands with wilderness characteristics and sage grouse habitat are protected. Similar adjustments need to be made in the remaining tables.

Page 2-53, Line 14: This section is an analysis of Alternative 4. Why is Alternative 2 mentioned here?

Page 2-66, Line 7: This section is an analysis of tar sands leasing under alternative 2. Replace “oil shale” with “tar sands” in this sentence.

Page 2-68, Figure 2.4.3-1: Along the Green River, in Uintah County, there is shown a “Colorado River Wildlife Management Area.” We have not heard of this area before and cannot find reference to it on the internet. Being located along the Green River, we suspect that this map designation may be in error.

Page 2-71, Line 8 and footnote 22: The paragraph beginning on Line 8 and the footnote are repetitious.

Page 2-73, Line 45: Delete the word “follow” at the end of the sentence.

Page 2-76, Lines 32-38: The alternative mentioned here should be one of the alternatives analyzed in the DPEIS. Duchesne County requests that the DPEIS be re-written to include this alternative and that the DPEIS be made available for another 90-day comment period after such amendments are made.

Page 2-80, Lines 39-41 and Lines 44-47: These sentences are poorly worded, repetitive and redundant.

Pages 2-83 to 2-109, Table 2.6-1: For Alternative 1, why does this table refer only to the White River and Book Cliffs RMPs when the Vernal RMP and perhaps others include oil shale development areas?

Page 2-95, Table 2.6-1, Wildlife: We doubt that there are “106,092 acres of raptor nests” under Alternative 1 and “103,719 acres of raptor nests” under Alternative 4.

Page 2-100, Table 2.6-1, Visual Resources: The column for Alternative 4 erroneously contains a reference to Alternative 2.

Page 2-101, Table 2.6-1, Cultural Resources: There is an acreage discrepancy (1.9 million acres vs. 2,017,714) in the Alternative 1 column.

Page 2-104, Table 2.6-1 and Page 2-127, Table 2.6-2, Socioeconomics: The positive socioeconomic impacts are understated and the negative impacts are overstated here and throughout the DPEIS.

Page 2-105, Table 2.6-1 and Page 2-128, Table 2.6-2, Environmental Justice: The positive impacts of energy development on minority and low-income populations are understated and the negative impacts are overstated here and elsewhere in the document.

Page 2-106, Table 2.6-1 and Page 2-128, Table 2.6-2, Environmental Justice: Assumptions are made that energy development will have negative effects on air and water quality and decrease

water available for agricultural use by low-income or minority populations. These assumptions are based on the myths perpetuated by radical environmental groups and do not take into account the technologies being employed on private and state lands by companies such as Red Leaf Resources.

Pages 2-111 through 2-130, Table 2.6-2: The acreage associated with tar sands leasing under Alternative 1 should be 430,686 rather than 2,017,714. The acreage associated with tar sands leasing under Alternative 2 should be 91,045 rather than 461,965. The acreage associated with tar sands leasing under Alternative 4 should be 425,790 rather than 1,963,414. See Page 2-121. Also, in this Table, the reference under Alternative 1 containing lands only within the White River and Book Cliffs RMPs appears to be erroneous. Lands within the Vernal RMP and perhaps others should be included.

Page 2-117, Table 2.6-2, Noise: The indication that there would be 1.9 million acres identified for potential tar sands leasing under this alternative is false.

Page 2-118, Table 2.6-2, Noise, (cont.): Reference is erroneously made to Alternative 2 in the Alternative 4 column.

Page 2-121, Table 2.6-2, Wildlife: We doubt that there are “7 acres of raptor nests” under Alternative 1 and “5 acres of raptor nests” under Alternative 4.

Page 3-4 and Figure 3.1.1-1: Section 3.1.1.1 notes that the Glenwood Springs BLM Field Office is now called the Colorado River Valley Field Office. However, Figure 3.1.1-1 (and several other figures throughout the document) still refer to this field office as Glenwood Springs.

Page 3-28, Line 6: The figure of 2,800 active oil and gas wells in the Vernal Field Office is out of date (2005). Data from the *Greater Uinta Basin Cumulative Impacts Technical Support Document, August 2011*, states that there are 9,036 productive wells in the region.
(http://www.blm.gov/pgdata/etc/medialib/blm/ut/vernal_fo.Par.57849.File.dat/GCW%20Cums%20TSD%2003-22-12%20final.pdf)

Page 3-29, Line 15-20: This information regarding wild and scenic rivers is out of date (2005) and inconsistent with the ROD for the Vernal FO RMP (see Figure 14a of the Approved RMP).

Page 3-37, Line 22: What authority does the Wyoming Environmental Council have to designate an area as very rare or uncommon?

Page 3-40, Lines 16-18: The assertion is made that ACEC’s, WSA’s, SMA’s, national historic trails and lands with wilderness characteristics support higher levels of recreation use than most BLM administered areas. The opposite is true. These areas restrict public access and types of activities allowed to the point that they actually support lower levels of recreation use or prohibit recreation use by the majority of citizens.

Page 3-44, Line 2: Erosion by wind is more likely due to the lack of natural vegetative cover than overgrazing.

Page 3-61, Line 25: Was this water data collected from 1906 **and** 1986 or from 1906 **to** 1986?

Page 3-62, Line 13-15: This section, if truly a “fresh look,” should be updated to include what the BOR’s Basin-wide Salinity Control Program has funded and accomplished since 2004.

Page 3-66, Section 3.4.1.4, Water Use: This entire section is flawed in that it fails to recognize modern oil shale technology being used by companies such as Red Leaf Resources, which use little to no water.

Page 3-78, Section 3.4.2.2, Surface Water Resources: This entire section is flawed in that it fails to recognize data available for the past six years; including 2011, which was a record water run-off year.

Page 3-83, Lines 38-44, Page 3-85, Lines 9-15: Again, old data (1941 to 1970) is being used when newer data is available and should be incorporated into the draft.

Pages 3-103 through 3-105: The climate change predictions on these pages are filled with contradictions; for example, there are dire predictions of both drought and increased precipitation attributed to climate change.

Pages 3-106 to 3-107, Table 3.5.2-1: The air emissions data in this table are from 2002. Newer data is available and should be incorporated into this table. Also, data from Duchesne County, Utah is not included in the table.

Page 3-120, Line 1: Duchesne County actually limits construction and mining activities to 7 AM to 9:30 PM on weekdays, 8 AM to 9:30 PM on Saturdays and 9 AM to 9:30 PM on Sundays and holidays.

Page 3-121, Line 38: A word is missing at the end of this sentence. The word could be “basin.”

Page 3-134, Line 3: ...are present within ~~in~~ the Green River Basin...

Page 3-197, Lines 31-32: One major threat to sage grouse populations (see Page 4-91) is West Nile Virus. This threat is left out in this section.

Page 3-238, Line 20: The 1989 Gulliford report is apparently flawed. If 700 new schools would be needed to support the oil shale industry in Garfield County, Colorado, with 3,000 teachers and staff, that calculates to about 4.3 teachers/staff members per school. Perhaps 70 new schools would be needed?

Page 3-243, Table 3.11.2-1: It appears that the cities of Blanding, Duchesne and Naples, within the Utah ROI, have been omitted from this table.

Page 3-245, Table 3.11.2-4: This table contains a mixture of data from 2004, 2007 and 2009, which makes the title of the table misleading and makes it difficult to draw conclusions from the data. Data from 2004 should be updated to 2009 data, if available.

Page 3-246, Lines 1-32: The employment data used in this section is from 2004. Updated employment data should be available in Utah from the Department of Workforce Services.

Page 3-251, Line 4, Page 3-254, Line 22, Page 3-255, Table 3.11.2-8, Page 3-261, Line 44: Duchesne is misspelled.

Page 3-262, Table 3.11.2-11: Much of the data used in developing this table is 6-8 years old and should be updated.

Pages 3-268 and 3-269, Tables 3.11.2-15 and 3.11.2-16: Much of the data used in developing these tables is 6-8 years old and should be updated.

Page 3-270 and 271: The value of recreation resources is unlikely to be underestimated as many agencies have been known to inflate their visitation counts to justify the budget they wish to obtain. Also, a recent study by Utah State University [*The Economic Costs of Wilderness, June, 2011*] finds that wilderness areas actually have a negative impact on the local economy rather than a positive impact.

Page 3-272, Table 3.11.3-1: The 2004 data used in this table should be updated.

Page 3-273, Lines 31 and 36: Out-of-date data is used here as well.

Page 3-276, Line 37: 2010 Census data should be available for use in Table 3.12-1 rather than 2000 Census data.

Pages 4-8 through 4-11, Page 4-33, Section 4.5.1.2, Page 4-43, Table 4.5.2-1, Page 4-47, Line 27, Page 4-48, Section 4.5.2.2: Water usage estimates are high given today's technologies being pioneered by companies such as Red Leaf Resources, which use very little, if any water. Some data used here [see Page 4-9, Line 11], is from 1973, which is ancient history.

Page 4-10, Lines 34-40, Page 4-69, Section 4.7.1.6: Upgrading may not be as extensive as depicted here under today's technologies being pioneered by companies such as Red Leaf Resources,

Page 4-48, Lines 41-43: The 2010 Western Resource Advocates water report is widely viewed to be a biased, flawed document that perpetuates the myths associated with water use in oil shale and tar sands development. Reference to this flawed report should be deleted from the

document. Instead, the document should be updated to reflect more accurate information from companies working in the industry.

Page 4-13, Section 4.1.5. Workforce/Housing: The BLM should contact companies actively involved in oil shale production (such as Enefit and Red Leaf) for updated estimates.

Page 4-13, 4-14, Section 4.1.6, Page 4-43, Table 4.5.2-1, Electricity needs: This section fails to account for today's technologies being pioneered by companies such as Red Leaf Resources, which use synthetic natural gas to produce the energy needed for the process. New power plants may not be necessary.

Page 4-16, Section 4.1.8: The BLM should contact companies actively involved in oil shale production (such as Enefit and Red Leaf) for updated estimates.

Page 4-21, Section 4.2.1.4, Recreation use: The document should address how much land would actually be taken out of recreation use under the various alternatives.

Page 4-57, Section 4.6.1.1.2, GHG Emissions: This section fails to recognize today's technologies being pioneered by companies such as Red Leaf Resources, who claim that GHG emissions are reduced by 2/3rds compared to previous technology.

Page 4-61, Section 4.6.2, Mitigation Measures: The BLM should communicate with companies such as Red Leaf Resources to determine how their new technologies reduce GHG emissions.

Pages 4-143 and 4-144, Figures 4.9.1-1 and 4.9.1-2: Why doesn't the BLM obtain photos from companies that are actually operating or proposing to operate in Colorado and Utah (Enefit, Red Leaf Resources, etc...) instead of photos from Australia?

Page 4-154, Line 39: Please clarify what is meant by "fall-line cuts."

Page 4-159: The four bullet points should be formatted with italics as was done on Page 4-162.

Page 4-180, Lines 14-20: In reality, the important recreational areas are adequately separated from the oil shale and tar sands areas so that both activities can function without adversely impacting the other. Also, while the tourism and recreational sectors of the economy are important, they do not produce the family wage jobs that the energy industry does.

Page 4-191, Section 4.14.1.2 and Page 4-194, Section 4.14.1.4: These sections need to be updated to recognize today's technologies being pioneered by companies such as Red Leaf Resources and Enefit.

Chapter 5, beginning on Page 5-1: This entire section should be updated to incorporate new technologies, such as those used by Temple Mountain Energy [see www.templemountainenergy.com].

Page 5-34, Section 5.5.2, Water Use: The water usage here is vastly overstated given today's technologies being pioneered by companies such as Temple Mountain Energy, where they re-use 93% of their water.

Page 5-45, Lines 1-2: Did the BLM contact Temple Mountain Energy, operating in the Asphalt Ridge area of Utah, to verify that their technology is not commercially viable?

Page 5-65, Lines 1-7: Temple Mountain Energy claims that their spent tar sands are benign and can be sold as "clean, high-quality sand for applications such as hydraulic fracturing, glass making and other industrial uses." Did the BLM contact this company to verify that not all spent tar sands are a pollutant?

Page 5-109, Figures 5.9.1-1 and 5.9.1-2: Did the BLM attempt to obtain photos of local operations, such as Temple Mountain Energy on Asphalt Ridge, rather than rely on photos from Alberta, Canada?

Page 5-128, Line 24, Page 5-134, Line 16: If companies such as Temple Mountain Energy are able to recycle 93% of their water, the impacts on agriculture and low-moderate income populations here are vastly overstated.

Page 5-139, Lines 12-14: Contrary to this statement, spent tar sands do have value [see www.templemountainenergy.com] and are not necessarily to be treated as solid waste.

Page 6-2, Lines 15-17 and Lines 41-44, Page 6-10, Lines 28-32, Page 6-11, Lines 36-37, Page 6-12, Lines 26-28 and 40-41, Page 6-13, Lines 44-45, Page 6-17, Lines 23-24, Page 6-21, Lines 32-33, Page 6-48, Lines 39-41, Page 6-51, Lines 40-41, Page 6-56, Lines 36-37, Page 6-57, Lines 32-33, Page 6-65, Lines 28-29, Page 6-66, Lines 23-24, Page 6-242, Lines 13-22, Page 6-321, Lines 20-22, Page 6-325, Lines 16-17, Page 6-327, Lines 21-22, Page 6-329, Lines 30-31, Page 6-330, Lines 15-16, Page 6-331, Lines 5-6 and 19-20, Page 6-332, Lines 28-30, Page 6-334, Lines 36-37, Page 6-338, Lines 37-39, Page 6-349, Lines 34-35, Page 6-362, Line 14, Page 6-363, Lines 33-34, Page 6-365, Lines 19-20 and Page 6-366, Lines 14-15: If the BLM admits that there is no environmental impact associated with Alternative 1, then it makes absolutely no sense to have gone through this exercise and spent scarce taxpayer funds; except for the desires of the Obama Administration to pander to environmental groups rather than stand up for what is best for this country.

Page 6-7, Table 6.1.1-2: The acreage in the table does not match the acreage under Footnote c.

Page 6-53, Figure 6.1.1-7, Page 6-110, Figure 6.1.2-7, Page 6-160, Figure 6.1.3-6, Page 6-218, Figure 6.1.4-7, Page 6-355, Figure 6.2.1-6, Page 6-356, Figure 6.2.1-7, Page 6-395, Figure 6.2.2-6, Page 6-396, Figure 6.2.2-7 and Page 6-459, Figure 6.2.4-6: These maps are incorrect with respect to the location of designated wild and scenic rivers in the Vernal Field Office. Nine Mile Creek and the Middle Green River were not designated. Neither were the White River, Evacuation Creek and Bitter Creek (See Figure 14a of the Approved RMP). If certain

alternatives would recognize these considered-but-not-designated streams; such should be noted in a footnote to the Figure.

Page 6-67, Section 6.1.2: There is no analysis in the document of the BLM preferred alternative 2(b). This analysis must be provided and re-published for review by the public and cooperating agencies before the process moves forward to a final PEIS.

Page 6-114, Section 6.1.2.11: The loss of jobs, revenue and positive economic impacts associated with Alternative 2 are drastically understated here.

Page 6-171, Section 6.1.4: Alternative 4, which is subject to acreage reductions associated with potential sage grouse core habitat and lands with wilderness character, is inconsistent with local plans and policies, including the Uintah Basin Utah Energy Zone designated by the 2012 Utah Legislature, Uintah County, Duchesne County and Daggett County.

Page 6-173, Line 27: Is the reference to Alternative 1 here really supposed to say Alternative 4?

Page 6-178, Line 20: correct typo “t49” perennial streams.

Page 6-312, Lines 5-9: This paragraph contains a mixture of references to oil shale and tar sands development when the section is supposed to be devoted only to a discussion of oil shale.

Page 7-1, Line 42 and Page J-5, Line 14: Duchesne County, Utah was left out of the list of local government cooperating agencies that submitted comments during the scoping period and before the release of the draft to the public. Why are the scoping comments and BLM’s response to such comments not included at the end of Chapter 7?

Page A-9, Table A-1: This table utilizes 1967 data, which should be replaced by newer data from recent USGS estimates of the oil shale resource.

Page A-19, Section A.2.2: This section regarding Utah oil shale activity must be updated to include the activities of companies including Enefit American Oil, Red Leaf Resources and TomCo Energy.

Page A-21 through A-48, Section A.3: This technology overview is out of date as it fails to address new technologies being pioneered by companies including Enefit American Oil, Red Leaf Resources and TomCo Energy.

Pages A-109 through A-115, Sections 6 and 7: The data in these sections is 2005-2007 vintage and should be easy to update with current data.

Page A-118, Lines 24, 37 and 43 and Page A-119, Lines 3-4 and 18-19: The document recognizes that we are experiencing “declines in supply from existing major importers,” that “Alaska North Slope production has been in decline,” the “world demand for crude oil is

expected to increase by 47% by 2030.” Because of these world supply issues, the document recognizes that “further international energy risk could provide additional incentive for utilization of domestic resources.” The document also recognizes that “Section 369 of the Energy Policy Act directs the Secretary of Defense to procure fuel derived from coal, shale oil and tar sands.” Based on these findings from the document, it makes absolutely no sense and is very short-sighted to select an alternative other than Alternative 1. Our national economy and our national security are at stake. Also, based on these findings, there is less likelihood of the boom and bust cycle occurring given the struggle of supply to keep up with demand.

Page B-4, Line 16: The document states that there are no commercial tar sands operations on public lands in Utah. Please check with the Utah State Institutional Trust Lands Administration to verify that this is correct. There is a company called Temple Mountain Energy that has been in operation on Asphalt Ridge, near Vernal, since 2006. We do not know if those lands are private or public.

Pages B-15 and B-16: Information regarding the Asphalt Ridge STSA is out-of-date. It does not include the operations of Temple Mountain Energy at this location from 2006 to the present.

Page B-17, Lines 5-7: This information from the Utah Division of Oil, Gas and Mining should be updated. This information also demonstrates that tar sands development is commercially viable and that companies are being forced to “move forward without the feds” because of the bureaucratic paralysis the federal government is mired in under the current administration.

Page B-19, Lines 24-34: This 1995 Speight report is outdated given today’s tar sands technology. Information from the Temple Mountain Energy web site (2011) debunks many of the myths contained in this 1995 report.

Page B-20, Table B-2: The water use data in this table is too high and is not based on today’s technologies. For example, Temple Mountain Energy states that they re-use 93% of their water, which will cut these water use figures dramatically.

Page B-31, Section B-5: This entire section is out of date as it does not take into account technologies being used by companies such as Temple Mountain Energy, at Asphalt Ridge.

Page B-58, Conclusions: These conclusions demonstrate that commercial tar sands development is economically viable; debunking the myths perpetuated by environmental groups.

Pages C-10, C-11, C-13, C-15, Table C-1: The statement under Alternative 4 on these pages that “All lands within the most geologically prospective oil shale area that are not excluded from commercial leasing under Alternative 2 will also be excluded under Alternative 4” does not make sense as Alternative 4 would allow more lands to be leased than Alternative 2.

Page D-9, Table D-5: Duchesne County, Utah has a Drinking Water Source Protection Ordinance in Title 4, Chapter 6 of its County Code.

Page D-10, Table D-6: Duchesne County, Utah regulates hazardous materials in its Nuisance Ordinance, which is located in Title 3, Chapter 1 of the County Code.

Page D-12, Table D-8: Duchesne County, Utah requires a conditional use permit for mining activities only when located on private lands.

Page D-14, Table D-9: The correct reference to the Duchesne County Code for noise regulations is the Nuisance Ordinance, which is in Title 3, Chapter 1, Section 4(G) of the County Code.

Page D-15, Table D-10: The correct reference to the Duchesne County Code for weed regulations is Title 3, Chapter 5 of the County Code.

Page D-16, Table D-11: The correct reference to the Duchesne County Code for solid waste regulations is Title 3, Chapter 4 of the County Code.

Page D-17, Table D-12: The correct reference to the Duchesne County Code for source water protection regulations is Title 4, Chapter 6 of the County Code as well as the Duchesne County Drinking Water Source Protection Ordinance #09-273.

Page D-18, Table D-13: The correct reference to the Duchesne County Code for water bodies and wastewater is Title 3, Chapter 1 of the County Code.

Page F-18, Line 7: Requiring a 300 foot setback from a threatened or endangered plant to any surface disturbance associated with oil shale or tars sands development is far too great of a setback and could place substantial areas of land off-limits for production of these vital natural resources.

Pages G-3 through G-9, Socioeconomic analysis : The data in this entire section is out-of-date and needs to be updated with readily available data from state and federal agencies.

Appendix H: The interviews of community leaders and stakeholders should be updated given the developments that have occurred in the past 5 years since the interviews were done.

Page H-3, Lines 19-21: While the boom and bust cycle has occurred in the past, the facts of increasing demand and supply issues noted in Appendix A are likely to lessen the severity of such cycles.

In summary, this draft PEIS is not the “fresh look” that the BLM intended. It is filled with outdated information that could have been easily updated if the BLM weren’t trying to rush this process to a conclusion before the end of the Obama Administration. Rather than fight for the family wage jobs and associated income that so many American citizens desperately need; rather than fight for responsible energy development that contributes to local, state and national economic health and security; the BLM has backed down to litigious environmental groups.

Again, the enclosed Resolution #12-08 summarizes our opposition to this process based on several points of law. The preferred alternative is inconsistent with state and local plans and policies, including the Uintah Basin Utah Energy Zone (see Resolution #12-06 enclosed). There has been no attempt, as required by FLPMA, to make the BLM Oil Shale and Tar Sands leasing effort as consistent with local plans as possible. If the Record of Decision adopts the BLM preferred alternative (2b), there will no doubt be legal ramifications.

Sincerely,

DUCHESNE COUNTY COMMISSIONERS

Michael A. Hyde, AICP
Community Development Director

Enclosures

Resolution #12-06 – Uintah Basin Utah Energy Zone
Resolution #12-08 – Opposition to the BLM's 2012 OSTs DPEIS

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